



Title V Operating Permit

Permit No: **TV-OP-005**
Date Issued: **February 6, 2004**

This certifies that:
Lydall Filtration/Separation, Group
P.O. Box 1960
Rochester, NH 03867

has been granted a Title V Operating Permit for the following facility and location:
Lydall Filtration/Separation, Group
Chestnut Hill Road
Rochester, NH 03867
AFS Point Source Number - 3301700020

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services on **May 19, 2003** under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:
Jeff Miller
Plant Manager
(603) 332-4600
Technical Contact:
Edward Minerowicz
Process Control Manager
(603) 332-4600

This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **February 28, 2009**

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

For the New Hampshire Department of Environmental Services, Air Resource Division

Director
Air Resources Division

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ABBREVIATIONS

AAL	Ambient Air Limit
AP-42	Compilation of Air Pollutant Emission Factors
ARD	Air Resources Division
ASTM	American Society for Testing and Materials
BTU	British Thermal Units
CAA	Clean Air Act
CAS	Chemical Abstracts Service
CFR	Code of Federal Regulations
CO	Carbon monoxide
CO ₂	Carbon dioxide
DER	Discrete Emission Reduction
Env-A	New Hampshire Code of Administrative Rules - Air Resources Division
ERC	Emission Reduction Credit
FR	Federal Register
HAP	Hazardous Air Pollutant
Hr	Hour
kGal	1,000 gallons
Lb/hr	Pounds per hour
LPG	Liquid Petroleum Gas (Propane)
MACT	Maximum Achievable Control Technology
mg/L	Milligrams per liter (ppm)
MMBTU	Million British Thermal Units
MMCF	Million Cubic Feet
NAAQS	National Ambient Air Quality Standard
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NHDES (OR DES)	NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
NO _x	Oxides of Nitrogen
NSPS	New Source Performance Standard
PE	Potential Emission
PM	Particulate Matter
PM ₁₀	Particulate Matter less than 10 microns diameter
ppm	part per million
ppmv	part per million by volume
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
RACT	Reasonably Available Control Technology
RSA	Revised Statutes Annotated
RTAP	Regulated Toxic Air Pollutant
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
TSP	Total Suspended Particulate Matter
TPY	Tons per Year
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound

Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations:

Lydall Filtration/Separation Group “Lydall” owns and operates a paper manufacturing facility located in Rochester, New Hampshire. The major structures at the facility are the main plant, an administration building, and a water treatment building. The main plant encompasses raw material receiving and storage, manufacturing operations, steam generation plant, and finished product storage areas.

Lydall manufactures air and liquid filtration and thermal insulation media using glass, ceramics, cellulose, and latex. Additives containing potentially hazardous constituents are also applied during the manufacturing process. The manufacturing line consists of a single paper machine (rotoformer), pulper, refiners, calendars, and laminator. In the rotoformer, the products are dried by indirect steam heaters and three direct infrared heaters. Process steam and space heating are provided by a Cleaver Brooks Boiler. The facility is a major source of SO₂ emissions and therefore requires a Title V Permit.

II. Permitted Activities:

In accordance with all of the applicable requirements identified in this Permit, the Permittee is authorized to operate the devices and or processes identified in Sections III, IV, V and VI within the terms and conditions specified in this Permit.

III. Significant Activities Identification:

A. Significant Activities:

The activities identified in the Table 1 are subject to and regulated by this Title V Operating Permit:

Table 1 - Significant Activity Identification				
Emission Unit Number	Description of Emission Unit	Install Date	Exhaust Stack Identification	Emissions Unit Maximum Allowable Permitted Capacity
EU1	Cleaver Brooks Boiler Model CB600-700	6/3/80	Stack #1	Max. Heat Input-23.4 mmBtu/hr Fuel Flow Rate-156 gph of #6 fuel oil, sulfur content- 2% by weight
EU2	Paper Machine-Rotoformer (3 Steam Dryers & 3 Infrared Dryers)	1970	Stack #2, 3, 4, & 5	VOC emissions from the Paper Machine shall be limited to 49.5 tons per any consecutive 12-month period.

B. Stack Criteria:

The following stacks for the above listed significant devices at this facility shall discharge vertically without obstruction (including rain caps) and meet the following criteria in accordance with the state-only modeling requirements specified in Env-A 1400:

Table 2 - Stack Criteria			
Stack #	Emission Unit #	Minimum Stack Height (Feet) Above Ground Level	Maximum Stack Diameter (Feet)
Stack #1	EU1	50.3	2.0
Stack #2	EU2	29.8	2.67
Stack #3	EU2	28.3	2.67
Stack#4	EU2	27.2	2.67
Stack #5	EU2	26.7	3.0

Changes to the state-only requirements¹ pertaining to stack parameters (set forth in this permit) shall be permitted only when an air quality impact analysis that meets the criteria of Env-A 606 and Env-A 1400 is performed either by the facility or the DES (if requested by facility in writing) in accordance with the “DES-ARD Procedure for Air Quality Impact Modeling”. All air modeling data shall be kept on file at the facility for review by the DES upon request.

IV. Insignificant Activities Identification:

All activities at this facility that meet the criteria identified in the Env-A 609.04 shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this permit.

V. Exempt Activities Identification:

All activities identified in Env-A 609.03(c) shall be considered exempt activities and shall not be subject to or regulated by this permit.

VI. Pollution Control Equipment/Technique Identification:

The devices and/or processes identified in Table 1 do not operate with any pollution control equipment.

VII. Alternative Operating Scenarios:

No alternative operating scenarios were identified for this Permit

VIII. Applicable Requirements:

A. State-only Enforceable Operational and Emission Limitations:

The Permittee shall be subject to the state-only operational and emission limitations identified in Table 3, below.

¹The term “state-only requirement” is used to refer to those requirements that are not federally enforceable but are state requirements as defined in Env-A 101.259.

Table 3 - State-only Enforceable Operational and Emission Limitations

Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	Env-A 1404.01(d)	Facility Wide	<u>Compliance Documentation</u> In accordance with Env-A 1404.01(d), documentation for the demonstration of compliance shall be retained at the site, and shall be made available to the DES for inspection.
2.	Env-A 1406.01	Facility Wide	<u>Methods of Demonstrating Compliance</u> In accordance with Env-A 1406.01 the owner of any device or process which emits a regulated toxic air pollutant shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, Env-A 1406.04, or Env-A 1406.05.
3.	RSA 125-I:5 IV	Facility Wide	<u>Revision to the List of RTAPs</u> In accordance with RSA 125-I:5 IV, if DES revises the list of regulated toxic air pollutants (RTAPs) or their respective ambient air limits or classifications under RSA 125-I:4, II and III, and as a result of such revision the Permittee is required to obtain or modify the Permit under the provisions of RSA 125-I or RSA 125-C, the Permittee shall have 90 days following publication of notice of such final revision in the New Hampshire Rulemaking Register to file a complete application for such permit or permit modification. DES shall include as conditions in any permit issued as a result of a revision to the list of RTAPs a compliance plan and a schedule for achieving compliance based on public health, economic and technical consideration, not to exceed 3 years.
4.	Env-A 2003.07(c) (2) & Env-A 2508.01	Facility Wide	<u>PM Emission Standards for Fuel Burning Devices at Paper Manufacturing Facilities Installed After May 13, 1970 but before January 1, 1985</u> No owner or operator shall cause or allow emissions of particulate matter from fuel burning devices installed after May 13, 1970 but before January 1, 1985 in excess of the rates set below, where: “E” means the maximum allowable particulate matter emission rate in lb/10 ⁶ Btu “I” means the maximum gross heat input rate in 10 ⁶ Btu/hr; $E = 1.028 \ I^{-0.234}$
5.	Env-A 2003.02& Env-A 2508.02	Facility Wide	<u>Opacity from Fuel Burning Devices at Paper Manufacturing Facilities Installed After May 13, 1970</u> No owner or operator shall cause or allow average opacity from fuel burning devices installed prior to or on May 13, 1970 in excess of 20 percent for any continuous 6-minute period.
6.	Env-A 2003.04(c) (d)	Facility Wide	<u>Activities Exempt from Visible Emission Standards</u> The average opacity shall be allowed to be in excess of those standards specified in Table 3, Item 5 above for one period of 6 continuous minutes during startup, shutdown, malfunction, soot blowing, grate cleaning, and cleaning of fires. Exceedances of the opacity standard shall not be considered violations of this part if the source demonstrates to the Division that such exceedances were the result of the adherence to good boiler operating practices which, in the long term, results in the most efficient or safe operation of the boiler.
7.	Env-A 2103.02(b)(1) & Env-A 2507.03	Facility Wide	<u>PM Emission Standards for Processes.</u> Particulate matter emissions from an “Existing Device” (from a process, manufacturing and service based industry) installed prior to or on February 18, 1972 with a process weight rate up to 60,000 pounds per hour, shall not exceed the emission rate E averaged over a one hour period as specified in the formula below, where P (the process weight rate in tons per hour) shall be raised to the 0.67 power and multiplied by 5.05:

Table 3 - State-only Enforceable Operational and Emission Limitations			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
			$E = 5.05 P^{0.67}$
8.	Env-A 2107.01(a) & Env-A 2507.04	Facility Wide	<u>Opacity from Processes</u> No person shall cause or allow visible fugitive emissions or visible stack emissions for any process, manufacturing or serviced-based industry subject to this chapter to exceed an average of 20 percent opacity for any continuous 6-minute period except as specified in Env-A 2000.
9.	Env-A 1403	Facility Wide	<u>24-hour and Annual Ambient Air Limit</u> The emissions of any regulated toxic air pollutant shall not cause an exceedance of its associated 24-hour or annual ambient air limit as set forth in Env-A 1450, <i>Table Containing the List Naming All Regulated Toxic Air Pollutants</i> .

B. Federally Enforceable Operational and Emission Limitations

The Permittee shall be subject to the Facility wide operational and emission limitations identified in Table 4 below.

Table 4 - Federally Enforceable Operational and Emission Limitations			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	RSA 125-C:6, RSA 125-C:11 and Env-A 606.04	Facility Wide	<u>NAAQS Standards</u> The Facility shall comply with the NAAQS and the applicable requirements of RSA 125-C:6, RSA 125-C:11 and Env-A 606.04.
2.	40 CFR 52 ² (old Env-A 402.03)	Facility Wide	<u>The Sulfur Content of Gaseous Fuels</u> Gaseous fuel shall contain no more than 5 grains of sulfur per 100 cubic feet of gas, calculated as hydrogen sulfide at standard temperature and pressure.
3.	Env-A 1604.01(c)	Facility Wide	<u>The Sulfur Content of No. 6 Oil</u> The sulfur content of No. 6 oil shall not exceed 2.0 percent sulfur by weight.
4.	40 CFR 68	Facility Wide	<u>Accidental Release Program Requirements</u> The quantities of regulated chemicals stored at the facility are below the applicability threshold presented in 40 CFR 68.130 Table 1 and Table 2. The facility, therefore, is not subject to the program requirements of 40 CFR 68. However, the facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities: <ol style="list-style-type: none"> Identify potential hazards which may result from such releases using appropriate hazard assessment techniques; Design and maintain a safe facility; Take steps necessary to prevent releases; and Minimize the consequences of accidental releases, which do occur.
5.	Env-A	EU2	<u>Applicability Criteria and Compliance Options for Miscellaneous and Multicategory</u>

² Env-A 402.03, effective December 27, 1990, was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is still considered federally enforceable until such time as the SIP is amended and approved by EPA.

Table 4 - Federally Enforceable Operational and Emission Limitations			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
	1204.02(c) & Env-A 1204.27		<u>Stationary VOC Sources</u> The facility chose to limit VOC emissions from the Paper Machine to 49.5 tons per year to opt out of Env-A 1204.27.

C. Emission Reductions Trading Requirements

The Permittee did not request emissions reduction trading in its operating permit application. At this point, DES has not included any terms authorizing emissions trading in this permit. All emission reductions trading, must be authorized under the applicable requirements of 42 U.S.C. §7401 et seq. (The “Act”), and either Env-A 3000 (the “Emissions Reductions Credits (or ERCs) Trading Program”) or Env-A-3100 (the “Discrete Emissions Reductions (or DERs) Trading Program”) and must be provided for in this permit.

D. Monitoring and Testing Requirements:

The Permittee is subject to the federally enforceable monitoring and testing requirements as contained in Table 5, below:

Table 5 - Monitoring/Testing Requirements					
Item #	Emission Unit	Parameter	Method of Compliance	Frequency of Method	Regulatory Cite
1.	Facility Stacks	Allows for adequate dispersion of HAPs and other regulated pollutants	Conduct an annual visual inspection of each stack and fuel burning device. Inspection shall be focused on identifying holes, leaks, deposits, deficiencies, or deterioration of equipment and stacks and the manufacturer’s recommended periodic physical, mechanical, and electrical system checks for the fuel burning equipment.	Annually	Env-A 806.01 & 40 CFR 70.6 (a)(3) Federally Enforceable
2.	EU1	Periodic Monitoring	The boiler shall be inspected and maintained in accordance with the manufacturer’s recommendations or appropriate National Board Inspection Codes and tested for efficient operation at least once each calendar year. The Permittee shall record results of inspection, maintenance and testing of the boiler and the date upon which it was performed.	Annually before April 1st.	40 CFR 70.6 (a)(3)(i)(B) Federally Enforceable
3.	All devices using gaseous fuels	Sulfur content in gaseous fuels	The operator shall conduct testing to determine the sulfur content, expressed as hydrogen sulfide, of gaseous fuels. The sulfur content of gaseous fuels shall not exceed 5 grains of sulfur per 100 cubic feet.	Upon written request by EPA or DES	40 CFR 52 Federally Enforceable
4.	All devices using liquid fuels	Sulfur content in liquid fuels	The operator shall conduct testing using the appropriate ASTM method or retain certified delivery tickets which state the weight percent of sulfur for each delivery of fuel to determine compliance with the sulfur content limitation provisions in this permit for liquid fuels in order	For each delivery	Env-A 809.01 Federally Enforceable 40 CFR 52

Table 5 - Monitoring/Testing Requirements					
Item #	Emission Unit	Parameter	Method of Compliance	Frequency of Method	Regulatory Cite
			to meet the reporting requirements specified in Env-A 900.		
5.	Facility Wide	Opacity Measurement	Opacity measurements required to determine compliance with Env-A 1211 shall be conducted following the procedures set forth in 40 CFR Part 60, Appendix A, Method 9, VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES. The opacity measurements shall be taken over 60 minutes during normal operation of the device	As needed	Env-A 810.03 Federally Enforceable

E. Recordkeeping Requirements:

The Permittee shall be subject to the federally enforceable recordkeeping requirements identified in Table 6 below.

Table 6- Applicable Recordkeeping Requirements				
Item #	Recordkeeping Requirement	Frequency of Record keeping	Applicable Emission Unit	Regulatory Cite
1.	<u>Records Retention</u> The Permittee shall retain records of all required monitoring data; record keeping and reporting requirements and support information.	Retain for a minimum of 5 years	Facility wide	40 CFR 70.6 (a)(3)(ii)(B)
2.	<u>Monitoring and Testing Records</u> The Permittee shall maintain records of monitoring and testing requirements including: a. Sulfur content in fuels; b. Preventative maintenance and inspection results for stacks and fuel burning devices classified as significant activities (identified in Table 1 of this Permit); c. Opacity readings.	Maintain on a continuous basis	Facility wide	40 CFR 70.6 (a)(3)(iii)(A)
3.	<u>Records on Process Operations</u> The Permittee shall maintain following records for each process: a. Total quantities of raw materials used; b. Hours of operation; and c. Distribution of the process discharge if the process discharges air pollutants through more than one discharge point.	Monthly	Facility wide	Env-A 901.04 Federally Enforceable
4.	<u>Records on Fuel Utilization</u> The Permittee shall keep the records of fuel utilization for review upon request by DES or EPA. The invoices from fuel suppliers may be used to demonstrate compliance. The records shall include following information: a. Consumption; b. Fuel type;	Monthly	EU1 & EU2 (3 infrared heaters)	Env-A 901.03 40 CFR 52

Table 6- Applicable Recordkeeping Requirements

Item #	Recordkeeping Requirement	Frequency of Record keeping	Applicable Emission Unit	Regulatory Cite
	<ul style="list-style-type: none"> c. BTU content per gallon of fuel; d. Sulfur content as percent sulfur by weight of fuel; and e. Hours of operation corresponding to the utilization and distribution of fuels. 			
5.	<p><u>General VOC Recordkeeping Requirements</u></p> <p>The Permittee shall record and maintained the following information:</p> <ul style="list-style-type: none"> a. Facility information, including: <ul style="list-style-type: none"> 1. Source name; 2. Source identification; 3. Physical address; and 4. Mailing address; b. Identification of each VOC-emitting process or device, except: <ul style="list-style-type: none"> 1. Processes or devices associated exclusively with non-core activities, as defined in Env-A 1204.03; and 2. Processes or devices emitting only exempt VOCs. c. Records shall be kept regarding the hours of operation for each process: <ul style="list-style-type: none"> 1. Days of operation per calendar week during normal operating schedule; 2. Hours of operation per day during normal operating schedule and for a typical high ozone season day if different from the normal operating schedule; and 3. Hours of operation per year under normal operating conditions. d. The following VOC emission data: <ul style="list-style-type: none"> 1. Actual and theoretical potential VOC emission from each VOC emitting process or device for: <ul style="list-style-type: none"> i. Each calendar year in tons; and ii. A high ozone season day during that calendar year, in pounds per day. e. The emission factors and the origin of emission factors used to calculate the VOC emissions. 	Maintain on a continuous basis	Facility wide	Env-A 901.06 Federally Enforceable
6.	<p><u>NOx Recordkeeping Requirements:</u></p> <p>For fuel burning devices, including boilers, the following information shall be recorded and maintained:</p> <ul style="list-style-type: none"> a. Facility information, including: <ul style="list-style-type: none"> i. Source name; ii. Source identification; iii. Physical address; iv. Mailing address; and b. Identification of each fuel burning device; c. Operating schedule information for each fuel burning 	As specified	EU1	Env-A 901.08 Federally Enforceable

Table 6- Applicable Recordkeeping Requirements				
Item #	Recordkeeping Requirement	Frequency of Record keeping	Applicable Emission Unit	Regulatory Cite
	<p>device identified in b), above, including:</p> <ul style="list-style-type: none"> i. Days per calendar week during the normal operating schedule; ii. Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; and iii. Hours per year during the normal operating schedule; <p>d. Type, and the amount of fuel burned, for each fuel burning device, during normal operating conditions and for a typical ozone season day, if different from the normal operating conditions, on an hourly basis in million Btu's per hour and;</p> <p>e. The following NOx emission data, including records of total annual emissions, in tons per year, and typical ozone season day emissions, in pounds per day:</p> <ul style="list-style-type: none"> i. Theoretical potential emissions for the calculation year for each fuel burning device; and ii. Actual NOx emissions for each fuel-burning device. 			
7.	<p><u>Insignificant Activity Records</u></p> <p>Annual records of actual emissions for each insignificant activity for determination of emission based fees.</p>	Annually	Insignificant activities	Env-A 901.04 Federally Enforceable

F. Reporting Requirements:

The Permittee shall be subject to the federally enforceable reporting requirements identified in Table 7 below.

Table 7 - Applicable Reporting Requirements				
Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
1.	<p><u>NOx Reporting Requirements:</u></p> <p>For fuel burning devices, including boilers, and engines, as well as miscellaneous sources, the owner or operator shall submit to the Director, reports of the data required by Condition VIII.E, Table 6, Item 6, including total annual quantities of all NOx emissions.</p>	Annually (no later than April 15 th of the following year)	Facility Wide	Env-A 901.09 Federally Enforceable
2.	<p><u>Fuel Usage Report</u></p> <p>The Permittee shall submit an annual fuel usage report indicating monthly totals of fuel utilization and corresponding fuel information as outlined in Table 6, Item 4.</p>	Annually (no later than April 15 th of the following year)	EU1& EU2	40 CFR 70.6 (a)(1)

Table 7 - Applicable Reporting Requirements				
Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
3.	<u>Permit Deviation Report</u> Prompt reporting of deviations from Permit requirements within 24 hours of such an occurrence by phone, fax or email in accordance with Section XXVIII. of this Permit.	Within 24 hours of an occurrence	Facility wide	Env-A 902.02, 40 CFR 70.6 (a)(3)(iii) (B)
4.	<u>Monitoring and Testing Report</u> Summary report of monitoring and testing requirements data as specified in Table 5 of this permit including: <ol style="list-style-type: none"> 1. A summary report of the boiler periodic monitoring test results required in the Table 5, Item 2; 2. Summary of testing and/or delivery ticket certifications for fuel sulfur content limitation provisions; 3. Preventative maintenance and inspection results for stacks and fuel burning devices classified as significant activities; and 4. Permit deviations. 	Every 6 months, by July 31st and January 31st of each calendar year.	Facility wide	40 CFR 70.6 (a)(3)(iii) (A)
5.	<u>VOC Reporting Requirements</u> The Permittee shall submit to the Director reports of the data required by Items 5 in Table 6.	Annually, by April 15th of the following year.	Facility wide	Env-A 901.07 Federally Enforceable
6.	<u>Certification of Accuracy Statement</u> Any report submitted to the DES and/or EPA shall include the certification of accuracy statement as outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.	As specified	Facility wide	40 CFR 70.6 (c)(1)
7.	<u>Emission Based Fees Report</u> Annual reporting of emission based fees and payment of emission based fees shall be conducted in accordance with Section XXIII of this Permit	Annually, by October 15th of the following year.	Facility wide	Env-A 704.03 Federally Enforceable
8.	<u>Annual Compliance Certification Report</u> Annual compliance certification shall be submitted in accordance Section XXI.A. of this Permit.	Annually, by April 15th of the following year.	Facility wide	40 CFR 70.6 (c)(1)
9.	<u>Speciated Emissions Report</u> Annual report of the actual emissions speciated by individual RTAP including a breakdown of VOC emissions by compound.	Annually, by April 15th of the following year.	Facility wide	Env-A 907.01 (b)(4) Federally Enforceable

IX. Requirements Currently Not Applicable:

The Permittee did not identify any requirements which are not applicable to the facility.

General Title V Operating Permit Conditions

X. Issuance of a Title V Operating Permit

- A. This Permit is issued in accordance with the provisions of Env-A 609. In accordance with 40 CFR 70.6(a)(2), this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.
- B. Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

XI. Title V Operating Permit Renewal Procedures

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

XII. Application Shield

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

XIII. Permit Shield

- A. Pursuant to Env-A 609.08(a), a permit shield shall provide that:
 - 1. For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
 - 2. The Permittee need not comply with any applicable requirement or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution and specifically identified in Section IX of this Title V Operating Permit as not applicable to the stationary source or area source.
- B. The permit shield identified in Section XIII.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by DES.
- C. If a Title V Operating Permit and amendments thereto issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the permit shield and the

Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.

- D. If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.
- E. Pursuant to Env-A 609.09(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18 or to exercise its summary abatement authority.
- F. Pursuant to Env-A 609.09(g), nothing contained in this section or in any title V operating permit issued by the DES shall alter or affect the following:
 - 1. The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
 - 2. The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15,II;
 - 3. The provisions of section 303 of the CAA regarding emergency orders including the authority of the EPA Administrator under that section;
 - 4. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 - 5. The applicable requirements of the acid rain program, consistent with section 408(a) of the CAA;
 - 6. The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the CAA; or
 - 7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

XIV. Reopening for Cause

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.19(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.19(b) through (g).

XV. Administrative Permit Amendments

- A. Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Env-A 100 immediately upon submittal of the request.
- B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVI. Operational Flexibility

- A. Pursuant to Env-A 612.02, the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions, off-permit changes, and section 502(b)(10) changes at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all of the following conditions are met, as well as conditions specified in Section XVI. B through E of this permit, as applicable. At this point, DES has not included any permit terms authorizing emissions trading in this permit.
 - 1. The change is not a modification under any provision of Title I of the CAA;
 - 2. The change does not cause emissions to exceed the emissions allowable under the Title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
 - 3. The owner or operator has obtained any temporary permit required by Env-A 600;
 - 4. The owner or operator has provided written notification to the director and administrator of the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur;
 - b. A description of each such change;
 - c. Any change in emissions that will result;
 - d. A request that the operational flexibility procedures be used; and
 - e. The signature of the responsible official, consistent with Env-A 605.04(b);
 - 5. The change does not exceed any emissions limitations established under any of the following:
 - a. The New Hampshire Code of Administrative Rules, Env-A 100-3800;
 - b. The CAA; or
 - c. This Title V Operating Permit; and

6. The Permittee, DES, and EPA have attached each written notice required above to their copy of this Title V Operating Permit.
- B. For changes involving the trading of emissions, the Permittee must also meet the following conditions:
1. The Title V Operating Permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
 2. The owner or operator has included in the application for the Title V Operating Permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the Title V Operating Permit which qualify under a federally- enforceable emissions cap that is established in the Title V Operating Permit independent of the otherwise applicable requirements;
 3. The Director has not included in the emissions trading provision any devices for which emissions are not quantifiable or for which there are no replicable procedures to enforce emissions trades; and
 4. The written notification required above is made at least 7 days prior to the proposed change and includes a statement as to how any change in emissions will comply with the terms and conditions of the Title V Operating Permit.
- C. For off-permit changes, the Permittee must also meet the following conditions:
1. Each off-permit change meets all applicable requirements and does not violate any existing permit term or condition;
 2. The written notification required above is made contemporaneously with each off-permit change, except for changes that qualify as insignificant under the provisions of Env-A 609.04;
 3. The change is not subject to any requirements under Title IV of the CAA and the change is not a Title I modification;
 4. The Permittee keeps a record describing the changes made at the source which result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this Permit, and the emissions resulting from those changes; and
 5. The written notification required above includes a list of the pollutants emitted and any applicable requirement that would apply as a result of the change.

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D. For section 502(b)(10) changes, the Permittee must also meet the following conditions:

1. The written notification required above is made at least 7 days prior to the proposed change; and
2. The written notification required above includes any permit term or condition that is no longer applicable as a result of the change.

E. Pursuant to Env-A 612.02(f), the off-permit change and section 502(b)(10) change shall not qualify for the permit shield under Env-A 609.09.

XVII. Minor Permit Amendments

- A. Prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.05(b).
- B. The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.05(c) through (g).
- C. Pursuant to Env-A 612.05(g), the permit shield specified in Env-A 609.09 shall not apply to minor permit amendments under Section XVII. of this Permit.
- D. Pursuant to Env-A 612.05(a), the Permittee shall be subject to the provisions of RSA 125-C:15 if the change is made prior to the filing with the Director of a request for a minor permit amendment.

XVIII. Significant Permit Amendments

- A. Pursuant to Env-A 612.06, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.06(a)(1) through (5).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director which includes all the information as referenced in Env-A 612.06(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of RSA 125-C:15 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.
- C. The Director shall take final action on the significant permit amendment in accordance with the Procedures specified in Env-A 612.06(d), (e) and (f).

XIX. Title V Operating Permit Suspension, Revocation or Nullification

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
 1. The Permittee has committed a violation of any applicable statute or state requirement

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found in the New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or

2. The emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.
- B. The Director shall nullify any Permit if, following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

XX. Inspection and Entry

EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6, VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

XXI. Certifications

A. Compliance Certification Report

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify for the previous calendar year that the facility is in compliance with the requirements of this permit. The report shall be submitted annually, no later than April 15th of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency – Region I. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

1. The terms and conditions of the Permit that are the basis of the certification;
2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether compliance was continuous or intermittent during the reporting period;
3. The methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
4. Any additional information required by the DES to determine the compliance status of the source.

B. Certification of Accuracy Statement

All documents submitted to the DES shall contain a certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

All reports submitted to DES (except those submitted as emission based fees as outlined in Section XXIII of this Permit) shall be submitted to the following address:

New Hampshire Department of Environmental Services
Air Resources Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
ATTN: Section Supervisor, Compliance Bureau

All reports submitted to EPA shall be submitted to the following address:

Office of Environmental Stewardship
Director Air Compliance Program
United States Environmental Protection Agency
1 Congress Street
Suite 1100 (SEA)
Boston, MA 02114-2023
ATTN: Air Compliance Clerk

XXII. Enforcement

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii), a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

XXIII. Emission-Based Fee Requirements

- A. The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.
- B. The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 616.
- C. The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with the procedures specified in Env-A 704.03 and the following equation:

$$FEE = E * DPT * CPI_m * ISF$$

Where:

- FEE = The annual emission-based fee for each calendar year as specified in Env-A 704.
- E = The calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a).
- DPT = The dollar per ton fee the DES has specified in Env-A 704.03(b).
- CPI_m = The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).
- ISF = The Inventory Stabilization Factor as specified in Env-A 704.03(d).
- D. The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E. The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F. The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B. and C of this Permit for each calendar year by October 15th of the following calendar year in accordance with Env-A 704.04. The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services
Air Resources Division
P.O. Box 95
Concord, NH 03302-0095
ATTN.: Emissions Inventory

- G. The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

XXIV. Duty To Provide Information

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Env-A 103 at the time such information is submitted to DES. DES shall evaluate such requests in accordance with the provisions of Env-A 103.

XXV. Property Rights

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

XXVI. Severability Clause

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

XXVII. Emergency Conditions

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based³ emission limitations specified in this Permit as a result of an emergency⁴. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as

³ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

⁴ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and

- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

XXVIII. Permit Deviation

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone, fax, or e-mail (pdeviations@des.state.nh.us) within 24 hours of discovery of such deviation. This report shall include the deviation itself, including those attributable to upset conditions as defined in this Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken.

Within 15 days of discovery of the permit deviation, the Permittee shall submit a written report including the above information as well as the following: preventive measures taken to prevent future occurrences; date and time the permitted device returned to normal operation; specific device, process or air pollution control equipment that contributed to the permit deviation; type and quantity of excess emissions emitted to the atmosphere due to permit deviation; and an explanation of the calculation or estimation used to quantify excess emissions.

Said Permit deviation shall also be submitted in writing to the DES in the semi-annual summary report of monitoring and testing requirements due July 31st and January 31st of each calendar year. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII. of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.